



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,607	03/06/2001	Robert Olan Keith JR.	ABREAU-00104	2648

28960            7590            05/30/2003  
HAVERSTOCK & OWENS LLP  
162 NORTH WOLFE ROAD  
SUNNYVALE, CA 94086

[REDACTED] EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
2171	

DATE MAILED: 05/30/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/800,607	KEITH, ROBERT OLAN
	<b>Examiner</b>	<b>Art Unit</b>
	Cam-Linh T. Nguyen	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 March 2001.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-44 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-44 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2-4</u> .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 – 44 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 38 of copending Application No. 09/801,140.

### Claims Comparison Table

	'607	'140
Claims	1 – 6,	1 - 3,
	7	7,
	8	8,
	9,	9,
	12 - 17	11 – 13,
	18,	17,
	19,	18,

20	19,
23 - 28	21 - 23,
29,	27
30	28
31	29
32	30
35 - 40	31 – 33
41	37
42	38

Certain limitations including, the keyword search is inputted by user, the search criteria is selected on of two binary items, maintaining the node by adding and deleting data to and from the node, found in '607 are not found in '140. However, they are not patentably distinct from each other because:

- In the copending application, Applicant claims a searchable database that is formatted into a directory tree structure comprising nodes, branches, links, and how to access to the information located in there.
- In the instance application, Applicant also claims a searchable database that is formatted into a directory tree structure comprising nodes, branches, links, and how to access to the information located in there. Further, Applicant applies the details of how the search criteria are entered, and the way to maintain the nodes.

Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been *prima facie* obvious to one with ordinary skill in

the art at the time the invention was made to broaden the invention because this provides a wider application of the invention with no additional cost in development. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Specification***

3. The disclosure is objected to because of the following informalities: Applicant is requested to submit the status of all related application that submitted in the specification.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 5, 7 – 16, - 18 – 27, 29 – 39, 41 - 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snow et al (U.S. 6,098,066) in view of Drucker et al (U.S 6,292,796).

♦ As per claim 1 - 2, 12 – 13, 23 – 24, 35 – 36,

Snow teaches a method of accessing information in a searchable database comprising:

- “The searchable database is formatted in a directory tree structure” See Fig. 1, col. 2 line 62 – 67.

- "The directory tree structure includes nodes ... branches" See Fig. 1, element 12.
- "Branches comprising links between the nodes" See col. 3 line 36 – 38.
- The database of Snow is formatted in a tree structure (col. 2, line 62 – 64), comprising nodes, and "related item of data" is corresponding to the data definition 28 in Fig. 1 (col. 3 line 3 – 11).
- "Categorizing each item of data by a navigation path through the directory tree structure and by one or more parameters" see col. 6, line 35 – 44, Snow. The "parameters" is corresponding to the "first group of data contains descriptive terms defining the corresponding leaf category", which are specific to the node.
- Users access the directory by a query (See Fig. 7 element 102, Snow).

Snow teaches a method for access information in a specific node, but does not clearly teach setting one or more search parameters corresponding to the set of parameters of the particular node.

However, Drucker, on the other hand, discloses a method for searching document by specify the navigation path, such as selecting subjects, keyword search, etc. as illustrated in Fig. 1 (col. 2 line 31 – 48, Drucker). The access mechanism includes user setup which allows user specify search preferences (col. 6 line 63 – col. 7 line 6, Drucker). Those preferences are saved for later modification (See Fig. 10 – 11, Drucker).

By saving the query or search preferences, Drucker teaches, "the navigation path is saved as query string". It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Drucker about the saving

user preferences into the system of Snow, because the system of Drucker provides great benefit in saving time for users (col. 1 line 56 – 58, Drucker). The combination of Drucker and Snow produces an easy search engine for users, where the user does not have to be familiar with the system and does not have to spend a lot of time on search queries.

◆ As per claim 3, 14, 25, 37, the combination of Snow and Drucker discloses:

- “Utilizing a selective one or more.... parametric search” See Fig. 2, element 30 of Snow, where “terms command” is corresponding to “keyword search”.

◆ As per claim 4, 15, 26, 38, the combination of Snow and Drucker discloses:

- “The search criteria is one or more keywords input by a user” See Fig. 2 of Snow, where terms command includes plurality of keywords.

◆ As per claim 5, 16, 27, 39, the combination of Snow and Drucker discloses:

- “The utilized search methodology is the hierarchical search, the search criteria is selected one of a list of one or more directory items” See Fig. 2 elements 2, 26, col. 4 line 4 – 24, Snow. The category command corresponds to the hierarchical search because it creates the class hierarchy.

◆ As per claim 7, 18, 29, 41, the combination of Snow and Drucker discloses:

- “The searchable database is distributed into more than one physical location” See Fig. 9, col. 9 line 6 – 16 of Snow.

◆ As per claim 8 – 9, 19 - 20, 30 – 32, 42, the combination of Snow and Drucker discloses:

- The computer network 142, element 140 in Fig. 9 of Snow corresponds to the server. The transmission line 144 corresponds to the "Internet connection", and the system in Fig. 9 is a client-server computer.
- ◆ As per claim 10 – 11, 21 – 22, 33 – 34, 43 – 44, the combination of Snow and Drucker discloses:

- "Maintaining the node by appropriately adding and deleting data to and from the node" See fig. 3; col. 4 line 25 – 40 of Snow.

6. Claims 6, 17, 28, 40, are rejected under 35 U.S.C. 103(a) as being unpatentable over Snow et al (U.S. 6,098,066) in view of Drucker et al (U.S 6,292,796) as applied to claims above, and further in view of Danish et al (U.S. 6,327,588).

- ◆ As per claim 6, 17, 28, 40,

As discussed above, the combination of Snow and Drucker teaches keyword search, and hierarchical search. Snow/Drucker does not clearly teach the parametric search and dichotomous key search.

However, in the same field of retrieving data from a searchable database, Danish et al (U.S. 6,327,588), discloses a method for searching documents using parametric search and dichotomous key search. Danish teaches that a user can use a parametric search to identify matching items (See the abstract, Danish). Further, Danish gives the user the opportunity to select some options that are available to the user (See Fig. 8). The values of the parameters could be "binary values" that can turn the search options

to on/off or yes/no. This search method corresponds to the "dichotomous key search". Danish is also in the same field of endeavor as Snow.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Danish to the combination of Snow and Drucker, because the combination would provide the user with more flexibility, as well as widen the field of search for a document in a searchable database (col. 3, line 27 – 35, Danish).

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - Beall et al (U.S. 6,484,165) discloses a method and system for database manipulation.
  - Paul P. Vagnozzi (U.S. 6,499,033) discloses a database method and apparatus using hierarchical vector index structure.
  - Ryan et al (U.S. 6,421,675) discloses a search engine.
  - Snow et al (U.S. 6,185,550) discloses a method and apparatus for classifying documents within a class hierarchy creating term vector, term file and relevance ranking.
  - Powers et al (U.S. 5,442,784) discloses a data management system for building a database with multi-dimensional search tree nodes.
  - Yoshida et al (U.S. 6,212,518) discloses a system and method for retrieval of data from related databases based upon database association model.

• Application/Control Number: 09/800,607  
Art Unit: 2171

Page 9

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Linh T. Nguyen whose telephone number is 703-305- 1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is 703- 746- 7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703- 305- 3900.

Cam-Linh Nguyen  
Art Unit 2171

LN



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100